REMARKS

Claim 1 is amended to additionally recite a changeover switch as exemplified by 67 in Fig. 15 of the drawings and described in [0-061] and [0062]. Claim 4 is amended to depend from claim 1. The further control as described in amended [0061] and [0062] is clearly seen in Fig. 15 of applicants' drawings.

The rejection of claims 1 and 3-5 under 35 USC 103 as unpatentable over Kanegasaki in view of Kitagawa is respectfully traversed. The Examiner acknowledges that "Kanegasaki does not explicitly disclose a solution temperature control device,"quoting from page 4 of the final action. However the Examiner maintains that it would have been obvious to modify Kanegasaki to include the first and second temperature controllers which he purports to find in Kitagawa.

The Examiner's interpretation of the newly cited Kitagawa et al reference as disclosing two temperature controllers is considered factually erroneous. At page 4 of the final action the Examiner cites the "SUMMARY OF THE INVENTION" of Kitagawa et al (col.3, lines 4-8) as disclosing "a first temperature controller controlling the temperature of the solutions to be a predetermined temperature with feedback of the measured temperature," which may correspond to the embodiment of the temperature controller illustrated in Fig. 9 and described at column 10, line 29 to col. 11, line 3. The Examiner at page 4 of the final action further asserts that a "second temperature controller" is disclosed at column 8, line 17 to column 9, line 45 of Kitagawa et al, wherein the description of the sample heater and temperature control seem to correspond to the "second embodiment" as described in the "SUMMARY" at column 3, lines 9-22. Thus, the Examiner has erroneously combined teachings pertaining to different embodiments. Note that **each embodiment of Kitagawa et al has only a single temperature controller**.

Thus, there is no suggestion in either Kitagawa or Kanegasaki of two separate temperature controllers with a changeover switch selectively connecting a heating device with a first temperature controller or a second temperature controller. Accordingly, even if the teachings of Kanegasaki and Kitagawa are combined, the combined reference teachings would not create a *prima facie* case of obviousness of claim 1 (or the claims dependent thereon).

The newly cited Kitagawa reference uses plural sensors 45, 46 and 47 as sensors for measuring temperature. However Kitagawa has only one temperature controller for the heater.

The Examiner apparently (erroneously) associates the "feedback of the measured temperature" from sensor 82 for the sample heater 81 in the embodiment of Fig. 8 of Kitagawa, which has no temperature sensor arranged within the container 73, with the embodiment of Fig. 5 which has temperature sensor 46 arranged on the heater 42 and temperature sensor 45 arranged within the container 73, and asserts that the "feedback of the measured temperature of the solution," erroneously imputed to the embodiment of Fig. 5, is similar to the "feedback of the measured temperature of the solution" to the first temperature controller for heater 64 in the present invention. Certainly, the sample heater illustrated in Fig. 5 of Kitagawa controls the temperature of the heating section 64 on the basis of the correlation data between the first preset temperature acquired by the sensor 45 and the second temperature acquired by the sensor 46, thereby controlling the temperature of the solution indirectly. However, this control system of the sample heater in the embodiment of Fig. 5 of Kitagawa is necessarily based on the correlation data acquired and processed in advance and is not based on the temperature of the solution measured in real time . This is clear from the fact that, in Kitagawa the temperature sensor 45 for presetting the temperature of the solution is removed from the container 44 during the operations for observing the sample 44a. In contrast, the present invention includes the first temperature controller 62 for controlling the temperature of the solution in the cell observation chamber to be a predetermined temperature and the second temperature controller 63 for controlling the temperature of the heating section 64 to be a predetermined preheating temperature and, further, a changeover switch for switching between the first and second temperature controllers 62 and 63.

Thus, in the present invention the first temperature controller 62, at the time of heating the solutions in the cell observation chamber, controls the temperature of the solutions in real time with feedback of the sensed temperature. The second temperature controller 63, at the time of preheating the heating section 64, controls the preheating temperature of the heating section 64, also in real time, with feedback of the

sensed temperature. Thus, both temperature controllers of the present invention control their respective temperatures in real time with feedback of the sensed (measured) temperature.

In conclusion, it is respectfully requested that the Examiner reconsider and withdraw the rejection in view of the present amendments and foregoing remarks.

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